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8 United States,

Plaintiff,

9
10 v.

11 Charles Chester Chatman III,

12 Defendant.

Case No. [22-cr-00453-CRB-1](#)
[14-cr-00552-CRB-1](#)**ORDER DENYING MOTION TO
DISMISS**

As the parties prepare for trial next week, Defendant Charles Chester Chatman III seeks dismissal of the indictment in this case. See Mot. (dkt. 33). Chatman brings a constitutional challenge to 18 U.S.C. § 922(g)(1), in light of the Supreme Court's most recent Second Amendment decision, New York State Rifle & Pistol Ass'n v. Bruen. 142 S. Ct. 2111 (2022). In accord with every district court in the circuit to decide this precise issue,¹ the Court concludes that United States v. Vongxay, 594 F.3d 1111 (9th Cir. 2010),

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20 ¹ See United States v. Villalobos, No. 3:19-CR-00040-DCN, 2023 WL 3044770, at *9–10 (D. Idaho Apr. 21, 2023); Walker v. Bonta, No. 20-CV-00031-DMS-AGS, 2023 WL 2815356, at *3 (S.D. Cal. Apr. 6, 2023); United States v. Guthery, No. 2:22-CR-00173-KJM, 2023 WL 2696824, at *3–4 (E.D. Cal. Mar. 29, 2023); United States v. Cleveland-McMichael, No. 3:21-CR-00119-SLG, 2023 WL 2613548, at *3 (D. Alaska Mar. 23, 2023); United States v. Davis, No. 121CR00206ADABAM1, 2023 WL 2505039, at *2–4 (E.D. Cal. Mar. 14, 2023); United States v. Barber, No. 22-cr-65, 2023 WL 2140526, at *2–3 (D. Alaska Feb. 21, 2023); United States v. Serrano, No. 21-CR-1590 JLS, 2023 WL 2297447, at *9–10 (S.D. Cal. Jan. 17, 2023); United States v. Moore, No. 3:20-CR-00474-IM-1, 2023 WL 154588, at *2 (D. Or. Jan. 11, 2023); United States v. Butts, No. CR 22-33-M-DWM, 2022 WL 16553037, at *3–4 (D. Mont. Oct. 31, 2022); United States v. Carleson, No. 3:22-CR-00032-SLG, 2022 WL 17490753, at *2–3 (D. Alaska Oct. 28, 2022); United States v. Ridgeway, No. 22CR175-CAB, 2022 WL 10198823, at *2 (S.D. Cal. Oct. 17, 2022); United States v. Delpriore, No. 3:18-CR-00136-SLG, 2022 WL 17490771, at *2–3 (D. Alaska Oct. 4, 2022); United States v. Siddoway, No. 1:21-CR-00205-BLW, 2022 WL 4482739, at *1–2 (D. Idaho Sept. 27, 2022); United States v. Perez, No. 3:21-CR-508-CAB-1, 2022 WL 17484969, at *2 (S.D. Cal. Sept. 26, 2022); United States v. Hill, No. 21CR107 WQH, 2022 WL 4361917, at *2–3 (S.D. Cal. Sept. 20, 2022); United States v. Nevens, No. CR 19-774-DMG, 2022 WL 17492196, at *2 (C.D. Cal. Aug. 15, 2022).

1 and its progeny are not clearly irreconcilable with Bruen. As a result, Vongxay's holding
2 that § 922(g)(1) does not violate the Second Amendment is controlling, and Chatman's
3 motion is DENIED.

4 **IT IS SO ORDERED.**

5 Dated: May 16, 2023



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CHARLES R. BREYER
United States District Judge